

**IN THE UNITED STATES BANKRUPTCY COURT
FOR DISTRICT OF MARYLAND
(GREENBELT DIVISION)**

In Re:

**RANDY THOMAS,
TANISHA THOMAS,**

Debtors.

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Case No.: 18-12528

Chapter 13

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**DEBTORS' MOTION TO VACATE ORDER DISMISSING CASE PURSUANT TO
FEDERAL RULE 60**

Randy Thomas and Tanisha Thomas, ("Respondents"), by and through their undersigned counsel, Suvita Melehy and Melehy and Associates LLC, file this motion to vacate the order dismissing their Chapter 13 Case, entered on August 29, 2023. In support, Debtors state as follows:

1. The Debtors commenced this case on February 27, 2018 ("Petition Date") by filing a voluntary petition for relief under 11 U.S.C. Chapter 13.

2. On August 4, 2023, the Trustee filed a motion to dismiss the case because the Debtors had defaulted on their payments. ECF No. 84. Specifically, the Debtors have nearly completed their 5-year plan, and only \$2,292.00 remained outstanding. The Trustee indicated that Debtors have until September 1, 2023, to respond to the motion and request a hearing. ECF No. 84. The Debtors intend to oppose the motion and request a hearing and plan on filing the response this week before the September 1, 2023 deadline set forth in the Notice of Opportunity to Object.

3. The Debtors have made additional payments towards the balance due since the Trustee's motion was filed. The Debtors fell behind in payments due to an unexpected hardship, the loss of employment by Ms. Thomas, and want a hearing on the Trustee's motion.

4. Accordingly, the Debtors aver that dismissal is premature as the September 1, 2023, deadline to oppose the motion has not expired. Thus, the dismissal was in error and pursuant to Federal Rule 60, the Debtors are entitled to the relief sought, *i.e.* vacating the order of dismissal and reinstating the case.

WHEREFORE, for the foregoing reasons, Debtors pray this Honorable Court grant this motion and vacate the order of dismissal.

Respectfully submitted,

/s/ Suvita Melehy

Suvita Melehy

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Attorneys for Debtors

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of August 29, 2023, I caused a copy of the forgoing Motion to be served by CM/ECF upon the Chapter 13 Trustee at:

Timothy P. Branigan, Esquire at cmecf@chapter13maryland.com

and by first class mail, postage prepaid, upon the Debtors at the below address, and all creditors listed on the mailing matrix attached hereto :

Randy Maurice Thomas
13214 Shawnee Lane
Clarksburg, MD 20871

Tanisha Natasha Thomas
13214 Shawnee Lane
Clarksburg, MD 20871

/s/Andrew Balashov
Andrew Balashov